

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARIEL ABITTAN,
Plaintiff,

v.

LILY CHAO, and others,
Defendants.

Case No. 20-cv-09340 NC

**ORDER DENYING REQUEST FOR
AWARD OF ATTORNEY'S FEES**

Re: ECF 199, 205

Presented to the court is a request by Hansen Law Firm, P.C. for reimbursement of \$6,570 in attorney's fees incurred in responding to a subpoena from Plaintiff Abittan. ECF 199, 205. The court quashed the subpoena on June 21, 2023. ECF 198. Plaintiff opposes an award of fees. ECF 208.

Federal Rule of Civil Procedure 45(d)(1) requires a party or attorney responsible for issuing and serving a subpoena to take "reasonable steps to avoid imposing undue burden or expense" on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction on a party who fails to comply. Fed. R. Civ. P. 45(d)(1).

Upon consideration of Rule 45, the court will not award a monetary sanction against Plaintiff or Plaintiff's counsel. Here, Plaintiff's counsel proffer that they sought the information from other sources first and were open to meeting and conferring with the subpoena recipient with the purpose of being reasonable. ECF 208. Further, Plaintiff's

counsel has complied with the order quashing the subpoena and has moved to voluntarily dismiss the case. ECF 201. Under these circumstances, the court finds that an award of discovery sanctions is unwarranted.

IT IS SO ORDERED.

Dated: July 24, 2023



NATHANAEL M. COUSINS
United States Magistrate Judge